

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53351 of 2022

Arising Out of PS. Case No.-126 Year-2022 Thana- KURSAKANTA District- Araria

Manoj Kumar Mandal @ Manoj Mandal S/o Late Baidhyanath Madnal @
Baidnath Mandal, Resident of Village- Sijhuwa, Ward No--13, P.S.-
Kursakanta, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate.

For the Opposite Party/s : Mr.Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 21-03-2023 Heard Mr. Anil Prasad Singh, learned counsel
appearing on behalf of the petitioner and Mr. Jagdhar Prasad,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Kursakanta P.S. Case No. 126 of 2022 registered for the
offence punishable under Sections 147, 149, 302, 504 and 506
of the Indian Penal Code.

3. Prosecution story, in brief, is that the father of the
informant was brutally assaulted and murdered by the petitioner
along with other co-accused persons mentioned in the F.I.R.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner has been falsely
implicated in the present case merely because he happens to be
the own brother of the co-accused Pramod Mandal against



whom there is direct allegation of committing murder in the F.I.R. He further submitted that petitioner is an employee of Bihar Military Police and on the date of alleged murder, he was present at the place of his posting at Muzaffarpur. Therefore, there is no question of any offence to have been committed by the petitioner or the petitioner having participated in the commission of alleged murder of the father of the informant. Petitioner has made statement in Para-18 of the bail application that the petitioner is an employee of Bihar Military Police posted at Muzaffarpur.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that the petitioner was also involved in commission of murder of the father of the informant. As such, he don't deserve to be granted pre-arrest bail.

6. Having considered the rival submissions of the parties, material on record as well as evidence collected in course of investigation, on perusal of the F.I.R., it appears that the direct allegation of having committed murder of the father of the informant is against the brother of the petitioner Pramod Mandal who had committed murder either by using sharp cutting weapon or by fire arm. The doctor who had performed



post mortem of the deceased/victim has found several injuries on different parts of the body and grievous injury has been found on the skull of the deceased which, to this Court, appears to have not been inflicted by only one person and complicity of the petitioner also cannot be denied. Petitioner has made a vague statement in Para-18 of the bail application that he is an employee of Bihar Military Police posted at Muzaffarpur, however, no specific statement has been made in the bail application that he was not present on the date of alleged offence at the place of occurrence.

7. However, considering the submission of the petitioner that the petitioner was not present on the date of alleged murder rather on the date of alleged offence, he was performing his duty at Bihar Military Police, Muzaffarpur, the Court below is directed to obtain a report from the Commandant, Bihar Military Police, Muzaffarpur to satisfy himself as to whether the petitioner was on duty on the date of alleged offence i.e. on 05.07.2022 at 21:30 P.M. or has reported subsequent to that date.

8. If the report submitted by the Commandant, Bihar Military Police, Muzaffarpur reveals that the petitioner was present on duty before the alleged commission of offence on



05.07.2022 at 09:30 P.M., the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Araria in connection with Kursakanta P.S. Case No. 126 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

